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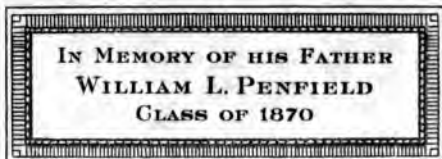
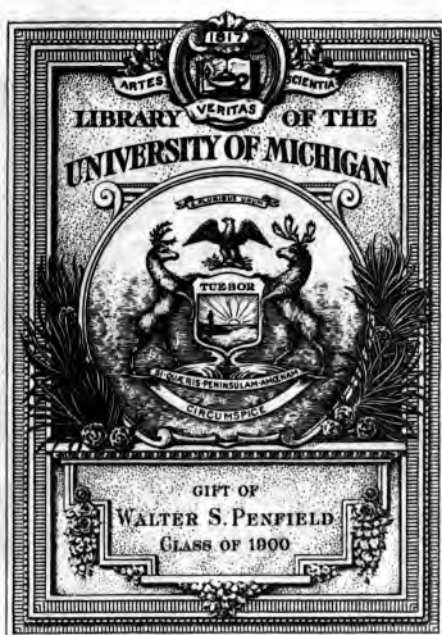
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PRIZE COURT PROCEDURE

EMPIRE OF GERMANY, *German Statute*

(Supplementing the German Prize Code)

A TRANSLATION OF THE GERMAN PRIZE COURT PROCEDURE
ORDINANCES OF APRIL 15th, 1911 AND
AUGUST 8th, 1914

Copyright 1915, by
VAN IDERSTINE, DUNCAN & BARKER
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Prize Court Procedure.

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Gift
W. S. Penfield
1-16-30

WE, WILHELM, BY THE GRACE OF GOD,
GERMAN EMPEROR, KING OF PRUSSIA,
etc., decree, as follows, in the name of the Empire,
pursuant to Par. 2 of the Law of May 3, 1884 (Im-
perial Gazette, page 49), relating to Prize Jurisdic-
tion:

I. EXTENT OF PRIZE JURISDICTION

1.

The object of Prize Jurisdiction is to decide the
legality of prizes captured in war.

The decision takes up the points:

1. In case the seizure has led to the bringing
in of the prize;
 - a. Whether the property seized is to be con-
fiscated or released;
 - b. Whether there were adequate grounds for
the seizure of the property which is to
be released.
2. In case the seizure has led to the sinking
of the prize:
 - a. Whether the property sunk was subject
to capture or not;
 - b. Whether there were adequate grounds for
the seizure of the property which was
not subject to capture.

In case a neutral merchantman or neutral property
from the cargo of such a vessel has been destroyed,
or if property has been seized against the will of
the captain from the cargo of a neutral merchant-
man that has not been captured, it must first of
all be decided whether the destruction or the seizure
was legal.

If the prize has been surrendered during the course of the Prize Court proceedings either in whole or in part against a deposit of the value or publicly sold, the proceeds being deposited, it must be decided whether the amount deposited is to be collected for the account of the Empire or whether it is to be released. However, if the prize has been released or surrendered prior to a Prize Court decision in regard thereto, a decision is rendered only in case of a claim. This decision is limited to the question whether there were adequate grounds for the seizure.

It is further to be decided upon motion whether and to what extent indemnity shall be paid.

2.

Hostile or neutral merchantmen are prizes in the sense of this regulation—that is, all vessels which are not State property—as also hostile or neutral goods on such vessels insofar as they are seized by virtue of the Prize Law.

II. AUTHORITIES.

3.

The authorities who decide in Prize matters are in the first instance the Prize Courts, and in the second instance the Supreme Prize Court in Berlin.

1. The commencement and the termination of Prize Jurisdiction, as also the activity of the individual Prize authorities.
2. The seat and the districts of the Prize Courts are designated by Imperial order.

4.

The Prize Officers are the preparatory authorities in Prize matters. The Imperial Chancellor confers the necessary powers upon a Prize office, by assigning a certain district either to a District Court or to a Protectorate Court, or to an individual Imperial, State, Colonial, or Communal official, who is a jurist.

III. COMPOSITION OF THE PRIZE COURTS

5.

The Prize Court has the power of making decisions when composed of five members, including the President.

The President and one member of the Board must be jurists. Of the remaining members, one must be a navy officer, one a representative of the ship owners' trade, and one a representative of maritime commerce.

That member who is a jurist may act for the President. A representative is appointed for each member. For the member who is a jurist a representative must be appointed who is also a jurist.

6.

The Supreme Prize Court has the power of rendering decisions when composed of seven members, including the President.

The President and two members must be jurists. Of the remaining members, one must be a representative of the Foreign Office, one a navy officer, one a representative of the ship owners' trade and one a representative of maritime commerce.

The President is represented by the member who is a jurist and has been appointed by the Imperial Chancellor. A representative is appointed for each member. For each member who is a jurist, a representative shall be appointed who is also a jurist.

7.

By "jurist," in the sense of this decree, those persons are referred to who possess the qualifications necessary for the office of a Judge or the higher Administration Service in the Empire or in a Federal State.

8.

The Imperial Chancellor proclaims how the Supreme Prize Court and the Prize Courts shall proceed and supervises their manner of procedure.

The President conducts the proceeding and has full police powers.

5.

Paragraphs 177 to 185 of the Judiciary Acts find corresponding application.

9.

An Imperial Commissioner is appointed at the Supreme Prize Court and at every Prize Court, whose duty it is to protect the interests of the Empire; also at the Prize offices situated in the district of the Prize Court.

The Commissioner may have a representative, who must comply with his instructions in regard to the office.

The Imperial Commissioner at the Supreme Prize Court is responsible to the Imperial Chancellor. He is empowered to issue instructions to the Imperial Commissioners at the Prize Courts.

10.

The members of the Supreme Prize Court and the Prize Courts (Prize Judges), including the Presidents and their representatives; the Imperial Commissioners and their representatives, are appointed by the Emperor.

The office of Prize Judge is an honorary office. It can be held only by a German.

The Prize Judges are to be administered the oath prior to their taking office. The oath reads:

I swear by God, the Almighty and Omniscient, that I will faithfully perform the duties of a Prize Judge and vote to the best of my knowledge, and according to my conscience, so he'll me God!

The President is sworn in by the Imperial Chancellor or a high Imperial or Federal State official empowered by him; the other Prize Judges are sworn in by the President of the Court to which they are attached.

During the tenure of their office, and by virtue thereof, the Prize Judges have all the rights and duties appertaining to Judges. The regulations of Par. 16 of the law regarding Imperial Officials do not apply to them.

11.

The requisite regulations in regard to the office, clerical and minor employees, the business rooms and the office requirements are made by the Imperial Chancellor.

IV. COMPETENCY OF THE PRIZE OFFICIALS

12.

The local competency of the Prize Office is decided by the port into which the prize has been brought; that of the Prize Court by the Prize Office subordinate to it.

The Prize Office in Hamburg is also competent for the prizes brought into foreign ports; the Prize Court in Hamburg is also competent for those cases in which the seizure of the prize has led to its being sunk or the prize has again been released before it was brought into port. The Imperial Chancellor is empowered to change the competency. 11

13.

The Supreme Prize Court is competent for the proceedings and decision in regard to the legal remedies of appeal and protest to the decisions and resolutions of the Prize Courts.

V. PREPARATORY PROCEEDINGS

14.

The competent authorities of the port, into which the prize has been brought, must immediately notify the Prize Office, after the prize has been surrendered.

If the prize has been surrendered in a foreign port to the German Consul, the latter must notify the Prize Office.

The Prize Office shall immediately notify the competent Imperial Commissioner.

15.

The Prize Office unseals the papers submitted as soon as possible in the presence of the conductor of the Prize; or, if he is prevented from appearing, in the presence of a representative of the port authorities and in the presence of the captain of the prize. It sets forth the result of the examination, using as a basis the statement of the ship's papers, drawn up by the Commander of the warship or the prize officer. It notes whether the cargo of the prize has been found under lock and seal, and then examines the captain, and, as it appears necessary in order to clear up the matter, the other persons on board the prize, recording their statements.

16.

The Prize Board takes an inventory of the vessel and cargo, assisted by experts, immediately after inspecting the prize.

It may avail itself of the co-operation of the port authorities, to whom the prize has been delivered.

17.

The Prize Board also takes testimony as soon as possible in regard to all matters that are of importance to the Prize Court in forming the decisions; if necessary, calling in experts.

18.

In taking testimony, the Prize Official must call in a sworn recording secretary. In urgent cases he may swear in the recording secretary himself.

A record must be taken of each examination proceeding. The record must contain the place and date of the proceedings, as also designation of the parties present and the persons co-operating in the proceedings, and must show whether the forms prescribed for the proceedings have been observed.

The record must be read to the parties present for acceptance, in so far as it refers to them, or must be given to them for perusal, and must be signed by

them. If the record is accepted, this should be noted. If acceptance is refused or the signature is omitted, the reason for this must be stated.

The record shall be signed by the Prize Official and the recording secretary.

19.

The Imperial Commissioner can always inform himself of the status of the matter by reading the files. He shall, as far as feasible, be notified of all proceedings and examinations and has the right to be present thereat and submit motions.

If he states that he wishes to bring the matter immediately to the Prize Court for decision, the preparatory proceedings shall be terminated.

After the preparatory proceedings have been terminated or closed, the Prize Office shall immediately send the files to the Imperial Commissioner.

20.

The Imperial Commissioner has the right, upon receipt of the files, to cause further investigations to be made by requesting the competent authorities to do so.

If he considers that the matter is ready for trial, he is to submit the files to the competent Prize Court with a brief, in which he submits some certain motion, giving reasons.

21.

In so far as the vessel and the cargo are obviously not subject to a Prize Court decision, the Prize Office, with the consent of the Imperial Commissioner, can order them to be surrendered to the party entitled to receive them; or, in case they are to be confiscated, can order them transferred to the competent state attorney's office. If the Commissioner refuses his consent, the files shall be submitted, through his efforts, immediately to the Prize Court for decision.

The surrender can be made subject to the condition that security be given to an amount to be de-

cided by the Prize Court for the costs of the proceedings.

22.

In the cases in which the seizure has not led to the prize being brought in, the entire evidence shall be immediately submitted to the Prize Court by the chief of the Admiralty Staff. In these cases the business of the Prize Office is incumbent upon the Prize Court.

23.

The provisions of Pars. 14 to 22 find corresponding application if port authorities or troops have seized property by virtue of the prize law.

VI. PROCEEDINGS BEFORE THE PRIZE COURTS

24.

The Prize Court may at any time subsequent to a hearing of the Imperial Commissioner cause further investigations to be made by requesting the competent authorities or one of its own members, properly authorized, to do so.

25.

On motion of the Imperial Commissioner, the Prize Court may decree, even without a verbal proceeding, that the prize shall be released either in its entirety or in part. The release of same can be made subject to the condition that security be given for the costs of the proceedings in an amount to be stipulated by the Prize Court.

The regulation of Article 1 does not apply if the release would greatly complicate the decision in regard to the claims for indemnity.

In the decision the right to make claims for indemnity shall be reserved.

26.

Even if the prize has been released in accordance with Par. 25, the Prize Court must nevertheless request the parties interested to file their claims within a certain period of time, by submitting a specification of claim. This period must not be less than two weeks or more than two months.

The service of this request occurs by publication by means of a single insertion in the Imperial Gazette. The service is considered effected with the expiration of the second day after the issue of the paper containing the insertion.

Those parties interested, whose address is known, in so far as they have not already submitted a specification of claim, shall be especially advised by mail. However, in regard to these interested parties also, the publication itself is considered as service.

The following are considered interested parties:

1. The owners of the vessels and property seized.
2. All private individuals, who have a legal interest in the release of the prize or in the owners receiving indemnity.

27.

The specification of claim must give the facts and evidence on which the claim is based. If feasible, documents shall be attached in their original form.

It must be signed by a lawyer admitted to a German Court, who is qualified to hold the office of Judge, and who has a written power of attorney.

If the claimant does not reside at the official seat of the Prize Court, he must designate some person living there, on whom service can be made for him.

28.

In so far as no claim has been submitted before the expiration of the time granted, the Court renders its decision on basis of the evidence at hand, after hearing the Imperial Commissioner.

29.

If a claim has been submitted within the proper period of time, the President sets the terms for the

verbal proceedings. The Imperial Commissioner and the claimant are to be officially summoned. Proceedings in regard to several claims referring to the same object shall usually be held simultaneously.

30.

A term can be postponed, proceedings extended, and a term for the continuation of the proceedings appointed upon motion or ex-officio.

31.

The Imperial Commissioner may always have access to the files.

The claimant and his representative shall have access to the files at his request prior to the term, with the consent of the Imperial Commissioner. The Imperial Commissioner may refuse his consent only if military interests so require.

32.

The verbal proceedings are public. The public can be excluded for the entire proceedings or a part of same by resolution of the Prize Court if the safety of the country would otherwise be endangered.

The stipulations of Par. 174 to 176 of the Judiciary Act find corresponding application.

33.

The verbal proceedings commence with the reading of the report by the member designated to make it. Hereupon remarks and motions of the Imperial Commissioner and the claimant are heard. It is permitted to submit new facts and evidence.

The claimant must be represented by a lawyer who has been admitted to a German Court and possesses the qualifications for the office of Judge. The Prize Court may also submit another representative who is a jurist or competent.

If the claimant is not properly represented in the term, proceedings shall nevertheless be held in the matter.

34.

In the verbal proceedings a sworn recording secretary shall be called in. The stipulations of Par. 159 to 163 of the Code of Civil Procedure find corresponding application.

35.

The Prize Court renders its decision, taking the entire evidence of the proceeding into consideration.

If it desires to base its decision on circumstances which were not the subject of the verbal proceeding, the claimant shall first be heard.

Par. 194 to 198 of the Judiciary Act find corresponding application in the discussion and voting. The reporting member votes first, the President, last; moreover, the younger member votes before the older.

36.

In the wording of the decision all questions are to be answered, to which the decision refers, according to the stipulations of Par. 1, Art. 2 to 5.

37.

The decision must also provide who shall defray the costs of the proceedings.

In so far as the claim is rejected, the costs of the proceedings incurred by the claim shall be borne by the claimant. If the costs have been incurred by various allied claims, the ratio of participation shall be taken as a basis.

In so far as the claim is allowed, the costs shall be defrayed by the Empire. In so far as the Imperial Chancellor declares the reciprocity guaranteed, the necessary expenditures of the claimant shall also be defrayed by the empire, unless there were adequate reasons for the prize measure, to which the claim refers.

If a vessel that has transported contraband is released, the costs that have been incurred by the proceedings in connection with the seizure of the contraband as also by the maintenance of the ship and

cargo during the examination, are to be defrayed by the vessel, even though no claim has been submitted.

The amount of costs is determined by a resolution. This resolution can be added to the decision.

38.

The decision must give the reasons. It must contain the names of the judges who have assisted in rendering the decision, and must be signed by the president and a member who is a jurist. It shall contain the introductory phrase "In the name of the Empire."

VII. APPEAL.

39.

The Imperial Commissioner, as also the claimant, has the right to appeal from the decision of the Prize Courts, except in the case of Par. 25.

Appeal must be made at the Prize Court within two weeks in writing after service of the decision.

The claimant in the appeal must submit a positive statement within four additional weeks by means of a brief of justification as to why he appeals from the decision and to what extent he moves that it be revised.

The justification of the appeal can be added to the appeal.

The appeal and justification briefs of the claimant must be signed by a lawyer who is admitted to a German Court, and who possesses the qualifications for the office of Judge.

The Court can order that a certified power of attorney be subsequently submitted.

40.

If the appeal has not been submitted within the proper time, or if the brief of justification has not been filed in the period of time or form stipulated, the Prize Court must reject the legal remedy as inadmissible by resolution.

The claimant in the appeal can move for the decision of the Supreme Prize Court within a week from the time that the decision has been served. The Prize Court cannot revise its decision; it must send the files to the Supreme Prize Court through the offices of the Imperial Commissioner for decision.

41.

The Prize Court has the right, upon motion of the appealing complainant, to extend the periods of time stipulated in Par. 39, Art. 2, 3.

42.

If appeal has been submitted in proper time and justified within the period and in the form stipulated, the appeal and justification brief will be served upon the opposing party in the appeal, with the demand to return a counter-declaration within a period of two weeks. The stipulation of Par. 39, Art. 5, applies to the counter-declaration of the claimant.

43.

After receipt of the counter-declaration or after the expiration of the period stipulated, the Imperial Commissioner shall send the files to the Supreme Prize Court.

44.

The regulation of Par. 24, 25, 29 to 38 find corresponding application to the proceedings before the Supreme Prize Court. If all questions are not answered in the decision appealed from, to which the decision of the Supreme Prize Court must refer, the matter, in so far as a new proceeding is necessary, can be returned to the Prize Court.

VIII. GENERAL REGULATIONS.

45.

The measures necessary to secure and maintain the prize, as also to lodge and take care of the mem-

bers of the crew held, are taken by the port authorities to whom the prize which has been brought in has been surrendered. They must comply in this regard with the request of the Prize Office. The cash expenditures thus incurred are refunded through the agency of the Prize Office.

46.

If the Prize is subject to an important decrease in value, or if its maintenance would cause a disproportionately high expense, the Prize Office shall decree the public sale of the Prize and the deposit of the proceeds, after hearing the parties interested and the Imperial Commissioner. If there is any danger in delay, the matter need not be heard. Should the commissioner refuse his consent, the files are to be submitted to the Prize Court for decision immediately by him.

47.

If the prize has been brought into a foreign port, the stipulations of Section V, as also those of Par. 45, 46, apply only in so far as conditions permit.

As soon as the prize is surrendered to them, the German Consuls shall take such testimony and make such investigations as do not allow of any delay and are permissible in accordance with the laws obtaining in their seat of office in order to ascertain the status for the time being; the consuls are hereby empowered to examine witnesses and experts under oath. Cash expenditures will be refunded to them by the competent Prize Office, according to Par. 12.

48.

The parties interested may move in every stage of the proceedings for the surrender of the vessel or the cargo against a deposit of its value. The motion can only be accepted with the consent of the Imperial Commissioner. The Prize Court is competent to make the decision or the Supreme Prize Court in case there is an appeal.

The legal remedy of complaint against the decisions of the Prize Office, as well as against those decisions of the Prize Court which are not subject to appeal, is open to everyone whose rights are injured thereby, as also to the Imperial Commissioner. However, the decisions and decrees rendered in accordance with Par. 26, Art. 1; Par. 29, 30, 32; Par. 33, Art. 2 cannot be made the subject of a complaint.

The Prize Court is competent to render a decision in case of a complaint against the orders of the Prize Office, and the Supreme Prize Court in case of such complaint against the Prize Court. The decisions rendered by the Prize Court in the appeal can be contested by further complaints. The complaint is submitted at that court where the decision is contested. In urgent cases it may also be submitted to the Appeal Court.

The complaint is submitted by filing a brief of complaints in which new facts and evidence may also be contained. If the Prize Office or the Prize Court or the President, whose decision is contested, finds that the complaint is justified, relief shall be given; otherwise, the brief of complaint shall be submitted to the Appeal Court together with the files within three days through the medium of the Imperial Commissioner.

By submitting the complaint, the execution of the decision combatted is not impeded, unless the Office that has rendered the decision or the Appeal Court should decree otherwise.

The Appeal Court may communicate the complaint to the opponent of the protesting complainant for a written counter-declaration. It may order investigations or undertake them itself. The decision in regard to the complaint is rendered without verbal proceedings after hearing the Imperial Commissioner.

If the complaint is considered justified, the Ap-

peal Court immediately renders the decision required in the matter.

50.

In so far as the Emperor does not dispose of a condemned prize for purposes of conducting the war, it is placed at the disposal of the Imperial Chancellor for other purposes of the Empire; he is empowered to sell it for the account of the Empire. The requisite measures are to be instituted by the Imperial Commissioner.

51.

In regard to the language of the Court, Par. 186 to 193 of the Judiciary Act find corresponding application.

Petitions which are not written in the German language have no claim to consideration.

52.

The decisions rendered pursuant to a verbal proceeding must be proclaimed. Judgments, as also unproclaimed decisions and dispositions, are to be served *ex officio*.

53.

The execution of decisions is only permissible after they have become valid. The decisions become valid when they can no longer be combatted by the legal remedy of appeal.

54.

In regard to the procedure employed in making service, in so far as this decree does not determine otherwise, or the special conditions of the Prize Court Procedure do not require another, the regulations of the Code of Civil Procedure are applied accordingly to services *ex officio*. The regulations in regard to service in the protectorates remain unchanged.

Documents, which are to be delivered to the Imperial Commissioner, are submitted to him in their original form. If the service signifies the commencement of a term, the commissioner must note the date of service on the original.

55.

The regulations of the criminal code find corresponding application to the examination of witnesses and experts, as also to the other kinds of testimony, with the proviso that the swearing in of the witnesses and experts must usually occur at their first examination.

56.

All Court and Administrative authorities in the Empire and in the German protectorates, as also the representatives of the Empire abroad, must comply with the request of the Prize authorities and of the Imperial Commissioner within their competency to undertake official acts. Pars. 158 to 162, 166 and 167 of the Judiciary Act find corresponding application to the legal assistance to be rendered by the Courts. The German Consuls are empowered to examine witnesses and experts underneath in compliance with this request.

Cash expenditures are refunded to the authorities thus requested by the prize authorities making the request.

57.

The proceedings in prize matters are exempt from fee and stamp taxes. Nor are fees and stamps charged by the authorities to whom requests have been made.

The Imperial Chancellor may decree the payment of certain fees, in consideration of the lack of reciprocity.

The claimant must make an advance payment to cover the expenses for the costs, the amount of which is determined by the courts. The amount can be increased subsequently.

The persons co-operating in prize matters receive daily fees and traveling expenses when performing services outside of their residence, from the funds of the Empire, the amount of which is determined by the Imperial Chancellor.

Receipts and expenditures in prize matters are at the expense of the Empire.

58.

The Imperial Chancellor is empowered to issue regulations governing the execution of this decree.

The duties assigned to the Imperial Chancellor in this decree, with the exception of those mentioned in Paragraph 50, are attended to by the Department of Justice of the Empire in case he is prevented.

IN WITNESS WHEREOF our imperial olographic signature and seal.

WILHELM, I.R.,
per Bethmann-Hollweg.

Issued Achilleion (LS):

(No. 4430) Decree regarding the commencement of Prize Jurisdiction and the seat of the Prize Courts. Of August 3, 1914.

WE, WILHELM, BY THE GRACE OF GOD, GERMAN EMPEROR, KING OF PRUSSIA, etc., DECREE, pursuant to Paragraph 3 of the Prize Court Procedure of April 15, 1911, as follows: in the Name of the Empire.

1.

The prize jurisdiction and the activity of the prize courts and prize offices commences August 4, 1914.

2.

Two prize courts are established, one of which has its seat in Hamburg, the other in Kiel.

The prize offices on the German Coast of the North Sea and in the German protectorates are subordinate to the Prize Court in Hamburg.

The prize offices on the German coast of the Baltic Sea are subordinate to the Prize Court in Kiel.

IN WITNESS WHEREOF our Imperial olographic signature and seal.

Issued at Berlin in the Castle, August 3, 1914.

L.S. WILHELM, I.R.,
per Bethmann-Hollweg.

(No. 4431) Statutes for the introduction of the execution of the Prize Court Procedure of April 15, 1911. Of August 3, 1914.

Pursuant to Paragraph 4, 11, 8, Paragraph 12, Section 2, Paragraph 57, Section 4, Paragraph 58 of Prize Court Procedure of April 15, 1911, I decree as follows:

I. PRIZE OFFICES.

1.

Prize offices will be established:

In Danzig for the districts of the Admiralty Court at Koenigsberg and Danzig.

In Swinemunde for the districts of the Admiralty Courts of Stettin and Stralsund.

In Kiel for the districts of the Admiralty Courts at Rostock, Luebeck, and Flensburg, including the Kaiser Wilhelm Canal.

In Hamburg for the districts of the Admiralty Courts Töennig, Hamburg and Bremerhaven, including the Island of Heligoland and the Weser, as also for the prizes brought into foreign ports.

In Wilhelmshaven for the district of the Admiralty Court at Brake.

In Emden for the district of the Admiralty Court at Emden.

In Duala for the protectorates Togo and Kamerun.
In Luedersitzbucht for the protectorate of Germany
South West Africa.
In Daressalam for the protectorate of German East
Africa.
In Apia for the protectorate of Samoa.
In Rabaul for the protectorate German New Guinea,
including the Island territory of the Carolinas,
Palau and Mariannen, as also the Marschal
Brown and Providence Islands.
In Tsingtau for the protectorate of Kiaoutschou.

2.

The requisite office, clerical and minor employees,
are placed at the disposal by that office to which the
Prize official belongs.

3.

The Prize offices act pursuant to Paragraphs 14-
19, 21 of Prize Court Procedure.

The Prize office must make out special files for
every prize brought into the district of a Prize Of-
fice. If further proceedings are held in the Prize
Office in the same Prize matter after the files have
been delivered to the Imperial Commissioner, sup-
plementary files are to be made out which are also
to be delivered to the Commissioner after they have
been completed.

4.

Decrees of the Prize Office shall be signed by the
Prize Officials, and in so far as they are served upon
an interested party or occur in intercourse with
other officials they are to bear the official seal of the
Prize office.

5.

The Costs which are incurred by the proceedings
before the prize office are to be paid from the treas-
ury of those offices to which the prize official be-
longs, subject to reimbursement from the Imperial
Treasury.

If special expenses are incurred by the bringing

in, taking care of and maintenance of the prize, or through the support of its crew, these are for the time being to be defrayed by the Court officials and the vouchers are to be sent to the prize office.

The Prize Office certifies that the expenses were incurred in the preparatory Prize Court proceedings and sends the vouchers together with the certification and the request for payment to the competent royal Prussian Supreme Customs Treasury (Oberzollkasse), which makes a corresponding accounting with the Chief Imperial Treasury.

For the Prize Office in Danzig, the Supreme Customs Treasury there is competent.

For the Prize Office in Swinemünde, the Supreme Customs Treasury in Stettin.

For the Prize Office in Kiel, the Supreme Customs Treasury in Altona.

For the Prize Offices in Wilhelmshaven and Emden, the Supreme Customs Treasury in Hanover.

Expenses which are incurred at the Prize Office and by the Port authorities in Hamburg are for the time being refunded by the Chief Hamburg State Treasury, which in turn is indemnified from the funds of the Empire.

In regard to the expenses which are incurred at the Prize Offices by the Port authorities of the protectorates, the decisions already issued apply.

6.

Every expenditure incurred is noted by the Prize Office in a cash journal under a consecutive serial number and entered in the respective prize files with the number of the journal. The special expenses claimed by the Port officials are also to be noted in the prize files.

7.

If a prize is publicly sold in the territory of the Empire pursuant to Par. 46 of Prize Court Procedure, the Prize Office must deposit the proceeds received for the account of whomever it may concern,

at the competent Supreme Customs Treasury; in Hamburg, at the Chief State Treasury.

II: PRIZE COURTS.

8.

The President of the Prize Court in Hamburg, is sworn in by the President of the Senate Commission for the Administration of Justice in Hamburg; the President of the Prize Court in Kiel, by the President of the Appellate Court there.

9.

The Office, clerical and minor officials, as also the offices and the requirements of the office are placed at the disposal of the Prize Court in Hamburg by the President of the Hanseatic Appellate Court and at the Prize Court in Kiel by the President of the Appellate Court there.

10.

The President of the Prize Court conducts and supervises the proceeding.

He summons the members of the Prize Court and as far as necessary their representatives to the proceedings.

He swears in the members of the Prize Court at the commencement of the first meeting in which they participate. (Par. 10, Sec. 3, 4 of Prize Court Procedure.)

He swears in the recording secretary (Par. 34 of the same).

11.

Special files are made for each prize which is the subject of proceedings at the prize court. The files conducted by the Prize Office in regard to the same prize can be continued. The files which have been started or continued are entered into a file register.

12.

Regulations governing the conducting of the law

suit, which do not refer to verbal proceedings, are issued by the President.

13.

The President appoints a reporter for every prize matter.

14.

Prior to every decision the President must give the Imperial Commissioner an opportunity to speak.

15.

In those cases, in which, according to Par. 22 (Prize Court Procedure), the business of the Prize Office is incumbent upon the Prize Court, the President may empower a member of the Court to this effect.

16.

Summons, advices to parties and to the authorities, letters of request and written regulations referring to the proceeding are signed by the President; in so far as they are not retained in the files, the official seal of the Prize Court is affixed thereon.

The President signs all records, together with the recording secretary.

The President and a jurist member signs the decisions (Par. 38 of the Prize Court Procedure).

Copies of the decisions must be certified by the President and the recording secretary and must be provided with the official seal. They bear the introductory form: "In the Name of the Empire."

17.

The grounds for the decision are to be determined substantially (chiefly) by the Prize Court in the discussion. They are summarized in the written form of the decision. If objections are made to the draft submitted and not eliminated by the author or, with his consent, by changing the draft, a resolution of the Prize Court must be obtained.

18.

A copy of all decisions, even if there has been no request for relief in their regard, must be sent the Imperial Department of Justice.

19.

The expenditures incurred by a Prize Court are advanced from the treasury of the Supreme Court, within whose jurisdiction the Prize Court is located.

20.

Every expenditure of the Prize Court shall be entered in a special cash book under a consecutive serial number. The expenditure shall be entered in the files, to which it refers, under its cash number. If a claimant has been sentenced to pay the costs (Par. 37, Art. 2 of the Prize Court Procedure), or if the costs of the proceedings have been imposed upon a vessel, that has transported war contraband (Par. 37, Art. 4 of the same), the Prize Court must determine the amount of the costs and see to it that the amount not covered by the advance of costs (Par. 57, Art. 3 of the Prize Court Procedure) is collected by request to the competent domestic authorities, otherwise with the assistance of the Imperial Department of Justice by request to the Foreign Office.

21.

Fees and advances of costs, which are received at the Prize Court in accordance with Par. 57. Art. 2, 3 of the Prize Court Procedure, are received for the Treasury of the Appellate Court (Highest Court of a State or Province) to which the Prize Court is attached.

If security is deposited for a prize that has been surrendered or released, in accordance with Par. 21. Art. 2, Par. 25, Art. 1, Par. 48 of the Prize Court Procedure, the monies received shall be delivered to the competent State Treasury for custody for the time being. The "Hamburgische Hauptstaatskasse" (Principal State Treasury of Hamburg) is competent for the Prize Court in Hamburg; the Imperial Prussian Customs Treasury in Altona for the Prize Court in Kiel.

III. SUPREME PRIZE COURT.

22.

The office, clerical and minor employees, as also the business room and office requirements, are placed at the disposal of the Supreme Prize Court by the Imperial Department of Justice.

23.

The President of the Supreme Prize Court conducts and supervises the proceedings.

He is represented by that member, in case of absence, who is designated by the State Secretary of the Imperial Department of Justice.

24.

The President summons the members of the Supreme Prize Court and, as far as possible, their representatives to the proceedings.

He swears in the members of the Supreme Prize Court at the opening of the first session in which they participate (Par. 10, Art. 3, 4 of Prize Court Procedure).

He swears in the recording secretary (Par. 34 of the same).

25.

Special files are started for each prize which forms the subject of proceedings of the Supreme Prize Court. The files conducted by the Prize Court in regard to the same prize may be continued. The files started or continued are entered in a file register.

26.

Anything which is not received at the Supreme Prize Court through the offices of the Imperial Commissioner is first sent to him for his declaration.

27.

Regulations governing the conducting of the law suit which do not refer to verbal proceedings, are issued by the President.

28.

The President appoints a first and a second reporter for every prize matter. In selecting the first reporter, the members who are jurists are to be given the preference.

29.

Prior to every decision of the Supreme Prize Court the Imperial Commissioner shall be heard.

30.

Summons, advices to interested parties and authorities, letters of request and written regulations referring to the proceedings shall be signed by the President; in so far as they are not retained in the files, they shall be provided with the official seal of the Supreme Prize Court.

The President together with the recording secretary signs all records.

The President and the first reporter, or, in his absence, another member who is jurist and who has taken a part in rendering the decision, sign the decisions.

Copies of the decisions shall be certified by the President and the recording secretary and shall be provided with the official seal. They are to bear the introductory form: "In the Name of the Empire."

31.

The grounds for the decision are to be determined substantially by the Supreme Prize Court in the deliberations. They are summarized in the written form of the decision. The President examines the draft. If objections are made to the draft submitted and not eliminated by the author or, with his consent, by changing the draft, a resolution of the Supreme Prize Court must be obtained.

32.

The originals of all decisions which the Supreme Prize Court renders where appeal has been taken or complaint made, are to be retained and kept together in one book.

After decision has been rendered in this instance, the files are to be returned to the competent Prize Court by the Imperial Commissioner with a certified copy of the decision.

33.

The costs incurred by the Supreme Prize Court are advanced by the Imperial Department of Justice and refunded from the Chief Imperial Treasury. Every expenditure of the Supreme Prize Court shall be registered under a consecutive number in a special cash journal. The expenditure shall be noted in the files, to which it refers, under its cash number.

34.

Advance payments of fees and costs, which are received by the Supreme Prize Court in accordance with Par. 57, Art. 2, 3, are received for the Treasury of the Imperial Department of Justice.

If a prize is surrendered by resolution of the Supreme Prize Court against deposit of the value (Par. 48 of the Prize Court Procedure) the monies received shall be delivered to the temporary custody of the State Treasury which is competent for the prize matter (Par 21, Art 20), for the time being.

IV. GENERAL REGULATIONS.

35.

Fees and expenditures shall be paid to the witnesses and experts examined in prize matters in the same manner as in proceedings before the regular courts.

36.

The members of the Supreme Prize Court and the Prize Courts receive for the performance of services outside of their residence daily fees and traveling expenses, in accordance with the stipulations of the decree relative to daily fees, transportations and the removal costs of Imperial officials, in the word-

ing of the proclamation of Sept. 8, 1910 (Imperial Gazette, p. 993), and the statutes governing the execution of the laws of Sept. 29, 1910 (Imperial Gazette, p. 1071). The amount of the daily fees and the traveling costs is decided by the rates, which apply to the officials mentioned in the former decree in Par. 1, under III.

The other officials that are active in the Prize matters receive daily fees and traveling costs when performing services outside of their residence in accordance with the principles which govern their activity in the Head Office.

The Imperial Commissioners receive daily fees and traveling costs in accordance with the stipulations existing for active navy officers of their rank.

Berlin, August 3, 1914.

THE IMPERIAL CHANCELLOR,

Per Lisco.

